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09/964,337	09/28/2001	Hirokazu Kondo	Q66004	2330

7590

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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3202

EXAMINER

CHEN, PO WEI

ART UNIT	PAPER NUMBER
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2697

DATE MAILED: 06/20/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten signature

# Office Action Summary

Application No.

09/964,337

Applicant(s)

KONDO, HIROKAZU

Examiner

Po-Wei (Dennis) Chen

Art Unit

2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Art Unit: 2697

### DETAILED ACTION

Claims 1-6 are pending in this application. Claims 1 and 6 are independent claims. This action is non-final

The present title of the invention is "Color Reproduction Characteristic Display Apparatus, and Color Reproduction Characteristic Display Program Storage".

The Group Art Unit of the Examiner case is now 2697. Please use the proper Art Unit number to help us serve you better.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4 and 6 rejected under 35 U.S.C. 102(e) as being anticipated by Spaulding et al. (US 6,269,184; refer to as Spaulding herein).

2. Regarding claim 1, Spaulding discloses a method and apparatus for interactive color transformation comprising:

A color reproduction characteristic display apparatus for displaying color reproduction characteristics wherein an association between coordinates of a first color space defining a color on image data and coordinates of a second color space defining a color on an image are defined in accordance with a device for mediating between the image data and the image (see lines 1-5 of abstract, lines 1-8 of column 4 and lines 5-13 of column 5);

Art Unit: 2697

A range designation section for designating a desired coordinate range in said first color space in accordance with an operation ("Second, the user is given the choice of manually choosing specific input color values to be mapped to specific output color values", see lines 64-67 of column 4 and lines 5-13 of column 5; also see lines 54-57 of column 5). It is noted that while the claim recites coordinate, it is clear that the values of the color space representing the same (see lines 1-10 of column 4). Thus, limitation of claim is met;

An image display section for displaying a color reproduction image in which there are plotted coordinate points on said second color space associated with coordinates within the coordinate range designated by said range designation section of coordinates of lattice points wherein said first color space is partitioned as a lattice ("In FIG. 5A the lattice indices would be determined by the input control values and the position of the nodes would be determined by the default mapping... The arrows in FIG. 5B represent the direction and distance that the corresponding color values in the output space have been moved when the user designates the constraints by picking the corresponding color values in the output space", see lines 33-50 of column 7 and Fig. 5A-C).

3. Regarding claim 2, Spaulding discloses a method and apparatus for interactive color transformation comprising:

Image display section optionally displays the color reproduction image on a two-dimensional display basis or a three-dimensional display basis in accordance with an operation (see Fig. 5A-C and Fig. 6A-D).

4. Regarding claim 3, Spaulding discloses a method and apparatus for interactive color transformation comprising:

Art Unit: 2697

A display plot designation section for designating a desired point of points plotted on the color reproduction image in accordance with an operation ("For example, the user would select the color point in the input space corresponding to node 70 (FIG. 5A) in step 32 and then select the position of node 72 (FIG. 5B) in step 34 as the corresponding color value in the output space", see lines 45-54 of column 7 and Fig. 5A-C);

Image display section displays the color reproduction image and in addition coordinate values on said first color space and coordinate values on said second color space, which correspond to the point on the color reproduction image designated by said display plot designation section (see lines 33-53 of column 5 and Fig. 3). It is noted that the coordinate or color values can be displayed along with output images. Thus, limitation of claim is met.

5. Regarding claim 4, Spaulding discloses a method and apparatus for interactive color transformation comprising:

A display plot designation section for designating a desired point of points plotted on the color reproduction image in accordance with an operation ("For example, the user would select the color point in the input space corresponding to node 70 (FIG. 5A) in step 32 and then select the position of node 72 (FIG. 5B) in step 34 as the corresponding color value in the output space", see lines 45-54 of column 7 and Fig. 5A-C);

Image display section displays the color reproduction image and in addition information as to a distance in said second color space, between two points on the color reproduction image designated by said display plot designation section ("The arrows in FIG. 5B represent the direction and distance that the corresponding color values in the output space have been moved

Art Unit: 2697

when the user designates the constraints by picking the corresponding colors in the output space", see lines 45-54 of column 7 and Fig. 5A-C).

6. Regarding claim 6, as statements presented above, with respect to claim 1 are incorporated herein. Also, see lines 49-54 of column 4 and Fig. 4.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spaulding et al. (US 6,269,184; refer to as Spaulding herein) as applied to claim 1 above, and further in view of Semba et al. (US 6,411,304; refer to as Semba herein).

9. Regarding claim 5, it is noted that Spaulding does not disclose an image display section has a mode wherein a plurality of color reproduction images associated with a plurality of output devices is displayed on a superposing basis. However, this is known in the art taught by Semba. Semba teaches a color data gamut conversion which shows color reproduction images in color space for different output devices (i.e. monitor and printer) (see Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of invention to utilize the teaching of Semba to provide an efficient performance for data conversion. Also, both systems are for providing color space conversion. Thus, limitation of claim is met.

Art Unit: 2697

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Poe et al. (US 5,857,063) disclose "Multicolorant Process Control".

Kumada et al. (US 6,459,436) disclose "Image Processing Method and Apparatus".

*Inquiry*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Po-Wei (Dennis) Chen whose telephone number is (703) 305-8365. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (703) 305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6743 for regular communications and (703) 308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Po-Wei (Dennis) Chen  
June 12, 2003

Po-Wei (Dennis) Chen  
Examiner  
Art Unit 2697

JOSEPH MANCUSO  
LIBRARY EXAMINER